

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

GREGORIOS SAKELLAKOS,

Plaintiff,

v.

VERIZON WIRELESS TEXAS L.L.C.,

Defendant.

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CIVIL ACTION NO.

**Removed from the District
Court of El Paso County, Texas,
41st Judicial District, Cause No.
2020DCV1666**

DEFENDANT’S NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant Verizon Wireless Texas L.L.C. (“Verizon Wireless”/“Defendant”) hereby removes this civil action from the 41st Judicial District Court of El Paso County, Texas to the United States District Court for the Western District of Texas, pursuant to 28 U.S.C. § 1441(a) and (b), and § 1332, based on diversity jurisdiction. In support of this Notice, Defendant states as follows:

I. STATE PROCEEDING

1. The Plaintiff, Gregorios Sakellakos (“Sakellakos” or “Plaintiff”), commenced a civil action against Defendant in the 41st Judicial District Court of El Paso, Texas on May 18, 2020, styled “*Gregorios Sakellakos v. Verizon Wireless Texas L.L.C.,*” Cause No. 2020DCV1666. As required by 28 U.S.C. § 1446(a), copies of all executed process in the case; pleadings asserting causes of action; all orders signed by the state judge; the docket sheet; a list of all counsel of record; and an index of matters being filed are attached hereto as Exhibits 1 through 9.

II. REMOVAL IS TIMELY

Defendant was served with process and Plaintiff's Original Petition on May 29, 2020. Defendant files this notice of removal within thirty (30) days of service of the Original Petition, making removal timely under 28 U.S.C. § 1446(b).

III. DIVERSITY JURISDICTION

2. This Court has original jurisdiction over this action under 28 U.S.C. §1332(a). Therefore, the cause may be removed to this Court pursuant to 28 U.S.C. §1441(b).

3. Defendant is a limited liability corporation formed under the laws of the State of Delaware. *See* Plaintiff's Petition ¶ 3; Exhibit 1 ¶ 4, Declaration of Karen M. Shipman. Defendant maintains its principal place of business in the State of Florida. Exh. 1 ¶ 4.

4. Defendant's sole member is a limited liability corporation formed under the laws of the State of Delaware with its principal places of business in the State of New Jersey.

5. Plaintiff is an individual and a resident of Las Cruces, New Mexico. *See* Plaintiff's Petition ¶ 2.

6. Accordingly, complete diversity exists in this case between Plaintiff and Defendant.

IV. AMOUNT IN CONTROVERSY

7. The amount in controversy in this case exceeds the \$75,000 threshold of 28 U.S.C. § 1332. Plaintiff "seeks monetary relief over \$200,000.00." Plaintiff's Petition ¶ 16.

V. REMOVAL IS PROPER

8. There is complete diversity between Plaintiff and Defendant, and there is more than \$75,000 in controversy. Accordingly, this action is one over which this court has original jurisdiction under the provisions of 28 U.S.C. § 1332(a)-(c) and removal is proper pursuant to 28 U.S.C. § 1441.

VI. NOTICE TO STATE COURT AND OPPOSING PARTY

9. Promptly upon the filing of this Notice of Removal, Defendant is filing a Notice of Filing Notice of Removal with the Clerk of Court for the 41st Judicial District Court of El Paso County, Texas and serving a copy thereof on Plaintiff through his counsel. A copy of Defendants' Notice of Filing Notice of Removal is attached hereto and incorporated herein for all purposes as Exhibit 9.

VII. CONCLUSION

Defendants respectfully request that this Court exercise its jurisdiction over this action, and enter such further orders and grant such further relief as may be necessary to secure removal herein and to prevent further proceedings in the District Courts of El Paso County, Texas, and further seek all other relief to which they are justly entitled.

Respectfully Submitted,

JACKSON LEWIS P.C.

/s/ Jamie L. Houston
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**ATTORNEYS FOR DEFENDANT
VERIZON WIRELESS TEXAS L.L.C.**

CERTIFICATE OF SERVICE

I certify that I filed the foregoing document in accordance with the protocols for e-filing through the CM/ECF system in the United States District Court for the Western District of Texas, El Paso Division, on June 26, 2020, and therefore has been served upon all counsel of record in accordance with such e-filing protocols.

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Attorney for Plaintiff

/s/ Jamie L. Houston
Jamie L. Houston

**IN THE UNITED STATES DISTRICT COURT
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INDEX OF MATTERS FILED

Defendant Verizon Wireless Texas L.L.C., through the undersigned, provides the following index:

- Exhibit 1: Declaration of Karen M. Shipman
- Exhibit 2: Docket Sheet
- Exhibit 3: Plaintiff's Original Petition
- Exhibit 4: Case Information Sheet
- Exhibit 5: Request for Citation Issuance to Defendant Verizon Wireless Texas, LLC
- Exhibit 6: Return of Service
- Exhibit 7: Defendant's Answer and Affirmative Defenses to Plaintiff's Original Petition
- Exhibit 8: Supplement to JS Civil Cover Sheet
- Exhibit 9: Notice of Filing Notice of Removal to State Court

Respectfully Submitted,

JACKSON LEWIS P.C.

/s/ Jamie L. Houston

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